

Administrative Reforms and Indian Police: An Overview

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Abstract

In a democratic or any modern society the police perform an important role in maintaining law and order. Police in India was created by Britishers to suppress the native citizens and after independence many committees and commissions have given recommendations to reform the police. But nothing concrete has happened. The present article deals with the brief overview of various committees and commissions before and after independence. The article does also deals with the problems of policing and suggests measures to reform police based on such reports.

Key Words : *Police Reforms, Frazer Commission, National Police Commission, Ribeiro Committee, Padmanabhaiah Committee, Soli Sorabjee Committee, Second Administrative Reforms Commission.*

India of today and in just recent past is facing many important crisis and one is that of social disharmony. It needs to be tackled effectively. As far as social disharmony is concerned the role of police in restoring social harmony is critical as well as important. India has seen efforts to refurbish and rejuvenate police through administrative reforms. Let's just understand what administrative reforms are: "Administrative Reforms is the artificial inducement of administration against resistance." says Gerald Caiden. Every administrative reform strives to bring change against the resistances. In India all the efforts to reform police has seen so much resistance and little change.

The issue of Police reforms has always been of great concern for almost all stake holders of our society and the class which has shed the crocodile tears most is the political class of our country both at the centre and at the states. But has not done

much to reforms the police except constituting committees and commissions whose reports have gathered dust. The issue of policing is a critical issue in an any democratic society. As we all know that Indian modern police system was created by Britishers largely in an undemocratic way to suppress the Indian people and their resentment against the ruling class. Indian police continues to have colonial legacy. The prime tool of this legacy was the archaic Police Act of 1861. The Indian police was largely governed by this act. Though the new police acts have come into force in many states but reminiscence of 1861 act can still be seen. In the pre independence period the first effort to reform the police was the Fraser commission of 1902-1903. The Fraser Commission recorded that “the police force is far from efficient, it is defective in training and organisation, it is inadequately supervised, it is generally regarded as corrupt and oppressive, and it has utterly failed to secure the confidence and cordial cooperation of the people.” Now if we carefully observe what Fraser commission said long back about the police was the dismal state of affairs as far as policing was concerned and it almost still holds true for policing in our time and age. After independence the first major initiative to reform the police was taken when in 1977 Government of India appointed The National Police Commission (NPC) under the chairmanship of Dharmvira. It gave eight comprehensive reports. As far as NPC was concerned it generated lot of responses and admiration for diagnosing the ails of police. This was a long and overdue measure and it covered almost all aspects of policing and its problem in independent India. Yet nothing concrete happened.

Thereafter in 1996, two former senior police officers filed public interest litigation with the Supreme Court, asking for the Court to direct governments to implement the recommendations of the National Police Commission. The Supreme Court directed the government to set up a committee to review the Commission's recommendations, and the Ribeiro Committee was born. The Committee, under the leadership of J.F. Ribeiro, a former chief of police, sat over 1998 and 1999, and produced two reports.

In 2000, the government set up a third committee on police reform, this time under the stewardship of a former union

Home Secretary, Mr. K. Padmanabhaiah. This Committee released its report in the same year.

In 2005, the government put together a group to draft a new police act for India. Headed by a senior advocate of the Supreme Court, Mr. Soli Sorabjee, the Police Act Drafting Committee submitted a Model Police Act to the union government in late 2006.

At the same time, the Supreme Court made further directions in the long running public interest litigation on police reform. The Court directed the governments of India to implement police reform, and provided them with a framework within which to begin the reform process.

In 2005 government of India appointed second administrative reforms commission headed by Veerpa Moily. It gave in all fifteen reports on various aspects of administrative reforms. In its fifth report on “Public Order” it gave suggestions to reform police. After 2018 many initiative were taken in wake of supreme court guidelines, specially introducing new police acts in the states. These acts of different states replaced the archaic 1861 police act but the police still behave in a undemocratic and, partisan manner and largely do not act autonomously

Problems of Policing

There have been various problems faced by Indian police which are:

- Poor enforcement of laws and general failure of administration;
- Large gap between aspirations of the people and opportunities with resultant deprivation and alienation; and
- Lack of coordination between various government agencies;
- Problems of organization, infrastructure and environment;
 - Unwarranted political interference;
 - Lack of empowerment of the cutting edge functionaries;
 - Lack of motivation at the lower levels due to poor career prospects, and hierarchical shackles;
 - Lack of modern technology/methods of investigation;
 - Obsolete intelligence gathering techniques and infrastructures; and
 - Divorce of authority from accountability.

- Problems of organizational behavior;
 - Inadequate training; and
 - Entrenched attitudes of arrogance, insensitivity and patronage.
- Problems of stress due to overburdening:
 - Multiplication of functions, with crime prevention and investigation taking a back seat;
 - Shortage of personnel and long working hours; and
 - Too large a population to handle
- Problems related to ethical functioning;
 - Corruption, collusion and extortion at different levels;
 - Insensitivity to human rights; and
 - Absence of transparent recruitment and personnel policies.
- Best talent not attracted as public prosecutors;
- Lack of coordination between the investigation and the prosecution agencies; and
- Mistrust of police in admitting evidence.
- Large pendency of cases;
- Low conviction rates;
- No emphasis on ascertaining truth; and
- Absence of victims' perspective and rights.

Suggestive Measures to Reform Police

- The recommendations made by the various Committees/ Commissions, such as the National Police Commission, Ribeiro Committee, Padmanabhaiah Committee, Second Administrative Reforms Commission, Justice V. S. Malimath Committee etc. and the observations of NHRC with regard to the role of police in Public Order management, are taken into account Viz.,
- Basic facilities for strengthening police stations – infrastructure, forensic science field units, non-lethal weaponry, adequate staffing etc. – must be provided.
- Separation of investigation from law and order at police station level should be done this may begin with urban police stations.

- Provisions for sanction for prosecution envisaged in Section 153 (A) IPC and power to withdraw prosecution u/s 321 CrPC must be revisited and revised.
- Greater avenues are needed for empowerment and career progression of constables. Director recruitment at Dy SP level to be stopped to enable this. However, this suggestion on direct recruitment of Dy SPs was not unanimous.
- There should be a thorough screening for career progression at all levels in the police (from constable to IPS).
- The remains of Police Act of 1861 should be completely replaced with another law for making police accountable to law and community.
- State Security Commissions, as recommended by NPC, should be established.
- There should be security of tenure for police officers from the level of Station House Officer to DGP.
- Local community should be involved in Public Order management.
- Police should be made a plan subject and brought under the Concurrent List of the Constitution.
- Certain crimes with inter-state ramifications and national security implications should be categorized as 'Federal Crimes' and a dedicated agency for its investigation should be established. This could be achieved through the enlargement of the role and infrastructure of the present CBI.
- Police performance indicators should be standardized. Surveys on public safety, fear of crime etc. should be included as parameters for this purpose.
- Recruitment process in the police should emphasize on testing of aptitude, psychological screening including IQ/EQ.
- More and more scientific and technological aids and e-governance measure should be adopted in policing.
- There is greater need for civil police than militarizing it. Training should aim at preparing the police for adopting humane approach in their work.
- The teeth-to-tail ratio in the police should be suitably altered to avoid disconnect between officers and constabulary.
- Peripheral police duties should be outsourced.

- Induction of more women should be effected in the police.
- There is an urgent to address the issues of low self-esteem of the constabulary. This requires a series or organizational/governmental measures such as better status and salary, improved working conditions, other measures of empowerment like entrusting the constables with more professional work than only mechanical chores.
- Holistic culture If law enforcement should be created across different organizations.
- Standard guidelines for exercise of power must be evolved based on best practices. The same should be inculcated through appropriate training.
- Good initiatives promoting community participation in policing should be sustained through legal and institutional framework.
- Benchmarks for police performance should be evolved and utilized for proper assessment.
- Credibility of the police as a professional, functionally-autonomous agency should be established by insulating them from extraneous interferences.
- Arbitrary exercise of authority by police should be curbed through strict disciplinary control.
- Over-burdening the police with powers under numerous special and local laws needs a review and wherever feasible other appropriate agencies can discharges the function.
- Any violation of the law by the police themselves needs to seriously dealt with.
- The police should be given greater service orientation.
- The Right to Information Act should be fully implemented effectively in the police organisation.

Conclusion

Though many measures as suggested above have been adopted by the various states but Police needs the reform from the aspects of structure, procedures and behavior in letter and spirit. It is imperative that reforming the police should be the priority of government of the day so that democratic aspirations can be fulfilled to ensure equitable and inclusive growth.

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